

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, March 7, 2008  
Riverpark Inn  
350 South Freeway  
Tucson, Arizona 85745

PRESENT: (Commission)

(Director's Staff)

Chairman William H. McLean  
Commissioner Robert D. Hernbrode  
Commissioner Jennifer L. Martin  
Commissioner Robert R. Woodhouse  
Commissioner Michael M. Golightly

Director Duane L. Shroufe  
Deputy Director Steve K. Ferrell  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Jim Hinkle, Acting Law Enforcement Branch Chief

Mr. Hinkle presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. All of these exhibits may be considered by the Commission in order to make a final determination. Each of the following individuals were legally noticed for this hearing.

<u>Name</u>	<u>Conviction</u>
Jackson, Clint W.	Count A: Take javelina in wrong unit. Count B: Possession/transportation of unlawfully taken javelina.
Scott, Benjamin T.	Count A: Take javelina in wrong unit. Count B: Possession/transportation of unlawfully taken javelina.
Scott, Elisha	Count A: Take javelina in wrong unit. Count B: Possession of unlawfully taken javelina.
Mulhall, Kody Kyle A.	Count A: Take wildlife during a closed season (Gila monster). Count B: Possession of unlawfully taken wildlife (Gila monster).
Bentley, Jeff A.	Count A: Take turkey (decoy) without permit.
Shero, Richard J.	Count A: Take turkey (decoy) without a valid permit. Count B: Shoot from maintained roadway.
Anderson, Ralph E. present	Count A: Knowingly take wildlife during a closed season (Gould's turkey).

Roll call was taken and the following were present: Clint Jackson, Ralph E. Anderson

Mr. Hinkle reported that the Department received a request from Jeff Bentley's counsel on March 4, 2008 requesting a continuance due to a death in the family. That was after the agenda had already been posted.

**Motion:** Martin moved and Woodhouse seconded THAT THE COMMISSION VOTE TO GRANT THE REQUEST FOR CONTINUANCE FOR JEFF A. BENTLEY.

**Vote:** Unanimous

Jeff Bentley will be noticed for a future meeting.

Mr. Hinkle reported that Richard Shero sent a letter to the Department and that letter was included in the Commission meeting packets provided to the Commission prior to this meeting for consideration.

Mr. Hinkle stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

**Motion:** Hernbrode moved and Golightly seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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The cases of Clinton W. Jackson, Benjamin T. Scott and Elisha Scott were related.

Clinton W. Jackson

Jackson was found guilty by the Verde Valley Justice Court for: Count A: Take javelina in wrong unit; and Count B: Possession/transportation of unlawfully taken javelina; and sentenced Count A: Fined \$460.00; and Count B: Fined \$460.00.

Jackson was present and addressed the Commission stating that he did wrong and intends to own up to his mistakes.

John Besuse addressed the Commission as a character witness on behalf of Mr. Jackson.

**Motion:** Hernbrode moved THAT CLINTON W. JACKSON BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE

DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CLINTON W. JACKSON TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Mr. Odenkirk advised the Commission that the obligation of attending a Hunter Education class required that the individual's license privileges must be revoked or suspended. In the past the Commission has suspended the individual's license until such time as the Hunter Education course is taken.

**Motion withdrawn.**

**Motion:** Hernbrode moved THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CLINTON W. JACKSON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CLINTON W. JACKSON TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Motion failed for lack of second.**

**Motion:** Martin moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF CLINTON W. JACKSON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST CLINTON W. JACKSON TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Ralph E. Anderson

Anderson was found guilty by the Cochise County Justice Court #5 for: Count A: Knowingly take wildlife during closed season (Gould's turkey); and sentenced Count A: Fined \$942.00, \$314.00 of which was suspended per county attorney plea agreement and Judge's Order.

Commissioner Martin asked if Mr. Anderson was also involved in the illegal take of an elk and if that was a separate incident.

Mr. Hinkle stated that Mr. Anderson was involved in another case that has been continued until the April Commission meeting.

The Commission viewed a video of Mr. Anderson hunting and shooting the turkey. The event was captured on video by Mr. Anderson for commercial purposes.

Anderson was present and represented by Attorney Brick Storts. Mr. Storts briefed the Commission on Mr. Anderson's state of mind at the time of the hunt, stating that Mr. Anderson had several stress related issues that caused him to make the decisions that he did. Mr. Storts further asked for leniency for Mr. Anderson.

Chairman McLean stated that the Commission has received and read a number of written letters and affidavits from character witnesses and that all of those are a part of the record.

Commissioner Hernbrode asked Mr. Anderson about the disposition of the turkey. Mr. Anderson reported that the turkey had been eaten.

The following people were present and addressed the Commission on behalf of Mr. Anderson; pointing out what he has done for wildlife, speaking for his character, and confirming the high level of stress that Mr. Anderson was dealing with at the time of the incident:

- Eugene Hays
- Bernard Velasco
- Ed Manion
- Helena Whitaker
- Dr. Donald Erwin

Mr. Anderson addressed the Commission on his own behalf reiterating his personal issues that caused his stress and asking the Commission for leniency.

Commissioner Golightly questioned Mr. Anderson about his involvement in the reintroduction of the Gould's turkey in Arizona. Mr. Anderson was very involved on the ground in that effort.

Commissioner Golightly commented on the value of the Gould's turkey. After their reintroduction and when they reached a level where they could be hunted in 2002, the first year

the Commission offered auction tags for them, those two tags went for \$8,750 each. Since then, the average for the last six years for those auction tags have been about \$7,000 each.

**Motion:** Golightly moved and Woodhouse seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RALPH E. ANDERSON TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST RALPH E. ANDERSON TO COLLECT THE AMOUNT OF \$5000.00 FOR THE LOSS OF ONE (1) GOULD'S TURKEY; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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The cases of Clinton W. Jackson, Benjamin T. Scott and Elisha Scott were related.

Benjamin T. Scott

Scott was found guilty by the Verde Valley Justice Court for: Count A: Take javelina in wrong unit; and Count B: Possession/transportation of unlawfully taken javelina; and sentenced Count A: Fined \$460.00; and Count B: Fined \$100.00.

Mr. Hinkle reported a corresponding case involving Mr. Scott for possession of unlawfully taken big game, mountain lion, that the Commission took action on in September 2007 assessing Mr. Scott for \$500 and revoking Mr. Scotts hunt, fish and trap privileges for three years. The action taken by the Commission today would constitute a second conviction.

Ms. Cutts informed the Commission that Mr. Scott's prior conviction was for possession of unlawfully taken wildlife and not for unlawful take which would mean this is not his second conviction for purposes of A.R.S. 17-340(B) that would allow for revocation up to 10 years for a second conviction.

Scott was not present.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BENJAMIN T. SCOTT TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS TO RUN CONSECUTIVELY AFTER HIS CURRENT REVOCATION WHICH RUNS FROM SEPTEMBER 7, 2007 THROUGH SEPTEMBER 7,

2010; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE AN ADDITIONAL HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **BENJAMIN T. SCOTT** TO COLLECT THE AMOUNT OF **\$500.00** FOR THE LOSS OF **ONE (1) JAVELINA**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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The cases of Clinton W. Jackson, Benjamin T. Scott and Elisha Scott were related.

Elisha Scott

Scott was found guilty by the Verde Valley Justice Court for: Count A: Take javelina in wrong unit; and Count B: Possession/transportation of unlawfully taken javelina; and sentenced Count A: Fined \$460.00; and Count B: Fined \$460.00.

Scott was not present.

**Motion:** Martin moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ELISHA SCOTT** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT SHE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **ELISHA SCOTT** TO COLLECT THE AMOUNT OF **\$500.00** FOR THE LOSS OF **ONE (1) JAVELINA**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Kody Kyle Anthony Mulhall

Mulhall was found guilty by the Santa Cruz County Justice Court #1 for: Count A: Take wildlife during a closed season (Gila monster); and Count B: Possession of unlawfully taken wildlife (Gila monster); and sentenced Counts A and B: Fined \$850.00.

Mulhall was not present.

**Motion:** Hernbrode moved and Martin seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KODY KYLE ANTHONY MULHALL TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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Richard J. Shero

Shero was found guilty by the Fredonia Justice Court for: Count A: Take turkey (decoy) without a valid permit; and Count B: Shoot from maintained roadway; and sentenced Count A: Fined \$208.00; and Count B: Fined \$136.00.

Shero was not present but sent a letter to the Department which was provided to the Commission prior to this meeting for consideration and is part of the case file.

**Motion:** Woodhouse moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RICHARD J. SHERO TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous

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These hearings concluded at 3:36 p.m.

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